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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,149	01/09/2004	Matthew Joseph Keeven	60020850-0001	4119

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EXAMINER

RIVERA, WILLIAM ARAUZ

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,149

Applicant(s)

KEEVEN, MATTHEW JOSEPH

Examiner

William A. Rivera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/9/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

With respect to the information disclosure statement filed January 9, 2004, specifically the *WMI Turf installer brochure*, it should be noted that this reference was not considered because no date was provided.

Specification

The disclosure is objected to because of the following informalities: page 4, lines 20 and 21, there are blank spaces where there should be a description of the type/brand of engine and where is commercially available from.

Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "*the caster is mounted on the frame adjacent the rearward end and the pair of driving wheels are mounted on the frame adjacent the forward end*" as set forth in Claim 3, lines 1-3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

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be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8-12, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eavenson et al (U.S. Patent No. 5,946,894) in view of Houska (U.S. Patent No. 6,131,668).

With respect to Claims 1-3, 8-12, and 16-20, Figures 1-5, teach a vehicle 10 comprising a vehicle frame having a forward end and a rearward end opposite the forward end; a pair of driving wheels 20 mounted on the frame for selectively independent rotation with respect to the frame about an axis of rotation extending generally parallel to the surface and transverse to the frame; a power source mounted on the frame and operatively connected to the pair of driving wheels to selectively rotate the driving wheels about the axis of rotation for propelling the vehicle along the surface and for controlling a direction of travel of the vehicle along the surface, said power source being adapted to independently rotate each of the driving wheels about the

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axis of rotation in both a forward rotational direction and a reverse rotational direction opposite the forward rotational direction thereby providing the vehicle with a turning radius of about zero degrees, at least one caster 18,19 for stabilizing the vehicle on the surface, said caster being rotatably mounted on the frame for rotation with respect to the frame about a central axis extending generally parallel to the surface, and being rotatably mounted on the frame for rotation with respect to the frame about a pivot axis extending generally perpendicular to the surface; wherein the caster is mounted on the frame adjacent the forward end and the pair of driving wheels are mounted on the frame adjacent the rearward end; wherein the caster is mounted on the frame adjacent the rearward end and the pair of driving wheels are mounted on the frame adjacent the forward end; a combustion engine; a seat; an operator control. Houska, Figures 1-7, teaches a support member 20,22 mounted on the frame for pivotal movement with respect to a frame to raise and support a roll of material in raised position above the surface for transportation of the roll of material prior to unrolling, lower the roll of material onto the surface for engagement with the surface, and facilitate unrolling the roll of material to lay the material on the surface when the roll of material is engaged with the surface and the vehicle is propelled along the surface. It would have been obvious to one of ordinary skill in the art to provide a frame for pivotal movement to Eavenson et al, as taught by Houska, for the purpose of facilitating the laying of the roll of material

Claims 4-7 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eavenson et al in view of Houska as applied to claims 1-3, 8-12, and 16-20 above, and further in view of Woerner (U.S. Patent No. 5,307,880).

With respect to Claims 4-7 and 13-15, Eavenson et al in view of Houska are advanced above. Houska further teaches wherein the roll of material includes a central opening. Woerner, Figures 1 and 2, teaches said support member comprises: a cross member 34 pivotally mounted on the frame having opposite ends; a pair of arms 30 mounted on the cross member, each arm of said pair of arms extending from a respective end of the cross member between a first end adjacent the cross member and a second end opposite the first end; and a cradle 60 extending from the second end of each arm of the pair of arms for receiving the bar therein to support the roll of material; and a bar extending through the opening for supporting the roll of material wherein the cradle comprises: a pair of inner cradle plates 64, each cradle plate of said pair of cradle plates extending from a respective arm of the pair of arms and having a slot 66 therein for receiving a respective end of the bar 68 to support the roll of material, and a pair of outer retaining plates, each retaining plate of said pair of retaining plates extending from a respective arm of the pair of arms and being spaced laterally outward from the respective inner cradle plate for preventing the bar from escaping from the slots; wherein each inner cradle plate of the pair of inner cradle plates includes a tapered forward edge for guiding the bar into the respective slot as the vehicle travels along the surface; a hydraulic cylinder mounted on the frame and the support member for member with respect to the frame to selectively raise the roll pivoting the support of material above the surface and lower the roll of material onto the surface for engagement with the surface. It would have been obvious to one of ordinary skill in the art to replace the roll mounting mechanism of Eavenson et al in view of Houska with that of Woerner for the purpose of securing the roll to the support member thereby avoiding the roll from being dislodged.

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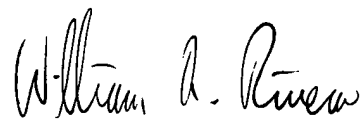
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is 571-272-6953. The examiner can normally be reached on Monday to Friday - 7:30 to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**WILLIAM A. RIVERA
PRIMARY EXAMINER**

June 27, 2005